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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,033	04/11/2001	Craig D. Cuttner	HBO-37	8356
1473	7590	07/01/2004	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			FREJD, RUSSELL WARREN	
			ART UNIT	PAPER NUMBER
			2128	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/833,033

Applicant(s)

CUTTNER ET AL.

Examiner

Russell Frejd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24,25,48 and 49 is/are allowed.
- 6) ☒ Claim(s) 1-4,19,20,23,26,50 and 51 is/are rejected.
- 7) ☒ Claim(s) 5-18,21,22 and 27-47 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

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## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2 Total.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Examination of Application #09/833,033***

1. Claims 1-51 of application 09/833,033, filed on 11-April-2001, are presented for examination.

***Claim Rejections under 35 U.S.C. § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 2.1 Claims 1-4, 19, 20, 23, 26, 50 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by the article authored by Mattavelli et al., hereinafter Mattavelli, entitled *Computational Graceful Degradation for Video Sequence Decoding*, IEEE, International Conference on Image Processing, Vol. 1, October 1997, pages 330-333.

- 2.2 Mattavelli disclosed the invention as claimed, including a Computational Graceful Degradation (CGD) for the efficient implementation of multimedia processors [Abstract], comprising:

(claims 1, 26, 50 and 51) a processor platform for applying CGD techniques to the decoding of compressed video sequences [Abstract], the platforms being well known to include input/output, processors and memories [see p. 330, col. 1, Introduction];

a video compression algorithm [p. 331, col. 1, Degradation modes];

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a display showing image and video GCD decoding [p. 333, col. 1, Fig. 3];  
(claim 2) a UNIX UltraSPARC platform that is well known to include RAM [p. 332, col. 1];  
(claims 3 and 4) a video compression algorithm [p. 331, col. 1, Degradation modes], and  
satisfaction of real time constraints [p.332, col. 2];  
(claim 19) implementing a plurality of simpler algorithms [p. 331, col. 2, Simplified  
Prediction Modes];  
(claim 20) a UNIX UltraSPARC platform that is well known to include a graphical user  
interface [p. 332, col. 1]; and  
(claim 23) see the rejections of claims 1 and 3 above.

### ***Claim Objections***

3. The remaining claims 5-18, 21, 22 and 27-47, are objected to for incorporating the rejection of their respective base claims by dependency.

### ***Allowed Claims***

4. Claims 24, 25, 48 and 49 are deemed allowable over the prior art of record at this time.

### ***Response Guidelines***

5. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

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**6. Any response to the Examiner in regard to this non-final action should be**

**directed to:** Russell Frejd, telephone number (703) 305-4839, Monday-Friday from 0630 to 1500 ET, or the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

**mailed to:** Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:** (703) 872-9306

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*

**Date:** 25-June-2004



RUSSELL FREJD  
PRIMARY EXAMINER

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